



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Pamela Driscoll
The Overlook at Winnepesaukee
c/o Great North Property Management
95 Brewery Lane Unit 10
Portsmouth, New Hampshire 03801

LETTER OF DEFICIENCY
WMB PBF 02-46
August 8, 2002

Dear Ms. Driscoll:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On July 30, 2002 and August 6, 2002, DES inspected the pool at the Overlook at Winnepesaukee in Laconia, NH ("the Pool"). During these inspections the following deficiencies were noted:

- 1 A recommendation to close the Pool was issued on July 30, 2002. The inspection on July 30, 2002 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Pool water on July 30, 2002:

- (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Pool water contained 46 CTS/100mL of total coliform bacteria with *E. coli* bacteria present.
- (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.

The following bacterial violations were observed in the Pool water on August 6, 2002:

- (c) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Pool water contained 120 CTS/100mL of total coliform bacteria.
- (d) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.

- 2 Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Pool water was less than 0.1 mg/L on July 30, 2002. The free chlorine residual of the Pool water was less than 0.1 mg/L on August 6, 2002.

3. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 6.8 on July 30, 2002. The pH of the Pool water was 6.4 on August 6, 2002.

4. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. No written records were available at the time of the inspection relative to the required testing of the Pool water.
- 5 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.
- 6 Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
- 7 Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.
- 8 Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Pool is not 4 feet high.
- 9 Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. The outlet grate /main drain cover for the Pool was broken.
- 10 Pursuant to Env-Ws 1105.01(k)(8), suction outlets shall be provided with a cover that has been tested and approved by a nationally recognized testing laboratory. Flat grates under 10" diameter do not meet the requirements of ANSI/NSF Standard 50 or ASME/ANSI A112.19.8M ("Suction Fittings for use in Swimming Pools, Wading Pool, Spas, Hot Tubs, and Whirlpool Bath Applications"). The Pool has a flat grate under 10" diameter.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the flow meter to be installed.
3. The type, manufacture, and model of the main drain cover to be installed.
4. A timetable of when:
 - a. the safety items will be in place,
 - b. patron rules will be posted,
 - c. the installation of the main drain cover will be completed, and
 - d. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further

action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

COPY
Jody Connor
Limnology Center Director

enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
John Ashy, Health Officer, Town of Laconia
Linda Marcoux, The Overlook at Winnepesaukee

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